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*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 1401—National Defense Authorization Act**



## **H.R. 1401—National Defense Authorization Act**

**Floor Situation:** The House will consider H.R. 1401 as its only order of business today. Yesterday, the Rules Committee granted a structured rule that provides for one hour of general debate, equally divided between the chairman and ranking member of the Armed Services Committee. It also provides an additional hour of general debate at the beginning of the second legislative day of consideration. The rule makes a committee substitute amendment in order as base text and waives all points of order against the substitute. It also self-executes an amendment to remove the bill's restrictions on the use of funds for operations in Yugoslavia after FY 1999. It makes in order 39 amendments, each debatable for the amount of time and in the order listed below. Unless otherwise specified, each amendment is debatable for 10 minutes. The chairman of the Armed Services Committee may offer *en bloc* any of the amendments listed in Part C; such an amendment will be debatable for 20 minutes. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 1401 authorizes \$288.8 billion in new budget authority for the country's defense activities in FY 2000, \$8.3 billion more than the president's request and approximately \$18.4 billion more than last year's defense authorization. However, the emergency supplemental included an additional \$1.8 billion for increases in military pay and pensions for FY 2000, for a total increase over the president's budget of \$10.1 billion.

Overall, the bill authorizes (1) \$74 billion (\$231 million more than the president's request) for military personnel; (2) \$106.5 billion (\$2.8 billion more than the president's request) for operations and maintenance and working capital funds; (3) \$55.6 billion (\$2.6 million more than the president's request) for weapons procurement; (4) \$35.8 billion (\$1.5 million more than the president's request) for research and development;

(5) \$8.6 billion (\$3.1 billion more than the president's request) for military construction and family housing; and (6) \$12.3 billion (\$76 million less than the president's request) for the defense-related programs of the Department of Energy. Among major programs, the bill authorizes:

- \* a 4.8 percent military pay raise (0.4 percent more than the president's request), pay table reform, and increased retirement benefits;
- \* \$112.8 million (\$26.7 million and three helicopters more than the president's request) for a total of 11 UH-60 Blackhawk helicopters;
- \* \$2.9 billion to procure 36 Super Hornets and a five-year, \$15.2 billion multi-year procurement contract for 222 Super Hornets (equal to the president's request);
- \* \$987.4 million for 11 V-22 tiltrotor aircraft (\$60 million and one aircraft more than the president's request);
- \* \$3.4 billion (equal to the president's request) to procure 15 C-17 aircraft and \$304.9 million for advance procurement of 15 C-17 aircraft for FY 2001;
- \* \$1.2 billion (equal to the president's request) for research and development of the F-22 Raptor, \$1.6 billion to produce six test vehicles, and \$277.1 million for advance procurement of 10 initial production aircraft in FY 2001;
- \* \$1.5 billion (matching the president's request) for procurement of the third and fourth *San Antonio* class amphibious ships;
- \* \$753.5 million (\$5 million more than the president's request) to procure the third New Attack Submarine (NSSN);
- \* \$3.7 billion (\$417 million more than the president's request) for the Ballistic Missile Defense Organization, as well as \$851.6 million (\$15 million more than the president's request) for National Missile Defense (NMD) and \$507 million (\$105 million less than the president's request) for the Theater High Altitude Air Defense (THAAD) program;
- \* \$812 million (\$24 million more than the president's request) for drug interdiction and counter-drug activities;
- \* \$1.4 billion (\$1.1 billion more than the president's request) for construction and improvement of military family housing units; and
- \* \$31.2 million (\$12.6 million more than the president's request) for DOE counterintelligence efforts.

The bill also:

- \* permits the use of appropriated funds to support abortions for military beneficiaries whose pregnancy is the result of an act of forcible rape or incest which has been reported to a law

enforcement agency. Current law restricts the use of DOD funds for abortions to cases where the woman's life is endangered if the pregnancy is carried to term;

- \* establishes a clear policy for the conduct of military-to-military contacts between the U.S. military and the Chinese People's Liberation Army to ensure that U.S. operational and technical advantages are properly protected;
- \* establishes the Center for the Study of Chinese Military Affairs at the National Defense University; and
- \* requires the Energy Secretary to notify the House and Senate Armed Services Committees whenever he obtains information on the unauthorized transfer of classified information to a foreign power if the compromised information involves defense operations, systems, technologies, or nuclear energy defense programs.

CBO estimates that enactment of H.R. 1401 will result in discretionary outlays of \$286.1 billion in FY 2000, \$95 billion in FY 2001, \$35 million in FY 2002, \$14 million in FY 2003, and \$6 million in FY 2004. Additionally, CBO estimates \$7 million over the next five years in direct spending. The measure was introduced by Mr. Spence and Mr. Skelton; the Armed Services Committee ordered H.R. 1401 reported by a vote of 55-1 on May 19, 1999.

**Views:** The Republican Leadership supports passage of this measure. An official Clinton Administration viewpoint was unavailable at press time.

**Amendments:** As stated above, the rule makes in order 40 amendments, each debatable for the amount of time and in the order listed below. Because the House is expected to debate only a handful of amendments today, listed below are only Part A and B amendments.

#### — *Part A Amendment* —

The rule self-executes (i.e., incorporates into the base text of the bill upon passage of the rule) an amendment to remove provisions from the bill that prohibit the use of DOD funds authorized for FY 2000 for operations in Yugoslavia and require the administration to submit a supplemental budget request if military operations continue into next year.

#### — *Part B Amendments* —

**Mr. Spence** will offer an amendment, debatable for 60 minutes, to:

- \* require the Secretary of Energy to establish and maintain a counterintelligence program for defense-related programs at the Department of Energy (DOE);
- \* require the secretary to report to the House and Senate Intelligence Committees on the implementation of the DOE counterintelligence program;
- \* make each DOE national laboratory director or manager responsible for counterintelligence activities accountable to the DOE Office of Counterintelligence and, through its director, to the Secretary of Energy;

- \* authorize the DOE director of counterintelligence to revoke or suspend security clearances of DOE employees or contractors if the director obtains information that they have disclosed classified information in an unauthorized manner;
- \* require the Secretary of Energy to establish a foreign contact control program at the DOE;
- \* require the prior approval by the DOE Office of Counterintelligence for contacts between the DOE, employees and contractors, and citizens of “sensitive countries”;
- \* require that all contacts with citizens of sensitive countries require the presence of more than one DOE employee or contractor;
- \* require post-contact reporting on the topics of discussion between the DOE employee or contractor and the citizen of a sensitive country;
- \* authorize \$8.6 million for DOE counterintelligence cyber-security, which is offset from the contractor travel account within DOE weapons activities, environmental management, and other DOE defense activities; and
- \* require the Secretary of Defense to establish a plan transferring DOE national security functions to the Defense Department by January 2002. **Staff Contact: Robert Rangel, x5-4224**

**Mr. Costello** may offer an amendment, debatable for 30 minutes, to make all DOE contractors, including the contractors who operate the nuclear weapons labs, subject to civil penalties of up to \$100,000 per violation of any DOE rule, regulation, or order relating to the safeguarding and security of restricted data or other classified or sensitive information. **Contact: x5-5661**

**Mr. Hunter** will offer an amendment, debatable for 20 minutes, to require the Secretary of Energy to establish a counterintelligence polygraph program for employees who have access to high-risk programs or information. Employees may not gain access to sensitive information until they undergo a polygraph examination and consent to regular follow-ups in the future. **Staff Contact: Vicki Middleton, x5-5672**

**Mr. Roemer** will offer an amendment, debatable for 20 minutes, to require the Secretary of Energy to report to Congress annually regarding the counterintelligence and security practices at the national laboratories. **Staff Contact: Pete Spiro, x5-3915**

**Mr. Sweeney** will offer an amendment, debatable for 20 minutes, to require the inspector generals of the Defense and Energy departments, in consultation with the directors of the CIA and FBI, to conduct an annual audit of the policies and procedures of the departments regarding technology exports and the transfer of scientific and technical information to the People’s Republic of China, as well as an assessment of the extent to which the departments are carrying out activities to ensure that any transfer will not measurably improve the weapons systems or space launch capabilities of the PRC. **Staff Contact: Mike Power, x5-5614**

**Mr. Ryun** will offer an amendment, debatable for 40 minutes, to (1) establish a moratorium of at least two years on the entry of foreign visitors from sensitive countries to U.S. labs; (2) require the Secretary of

Energy, after consulting with the FBI director, to certify that new counterintelligence programs are running effectively before the moratorium is lifted; and (3) authorize the secretary to waive these restrictions for individuals deemed vital to U.S. national security. The new counterintelligence program will require security checks on all visitors to the labs, as well as an investigation of past security breaches in coordination with a study of the effects of non-classified visits on compromises of classified nuclear secrets. **Staff Contact: Mike Khatchadurian, x5-6601**

**Mr. Gilman and Mr. Spence** will offer an amendment, debatable for 20 minutes, to require the Secretary of State to ensure that adequate resources are allocated to the Office of Defense Controls (ODTC) for the purpose of reviewing and processing export license applications in a thorough and timely manner. The amendment also requires the Secretary of State to make available ODTC funds that were appropriated last year for this purpose. Finally, the amendment requires the Defense Secretary to ensure that the Defense Threat Reduction Agency has adequate resources to fulfill its responsibility of reviewing export license applications in a thorough and timely manner. **Contact: x5-5021**

**Mr. Weldon (PA)** will offer an amendment, debatable for 20 minutes, to establish a technology security division within the Defense Threat Reduction Agency as a separate DOD agency, as well as require the director of this agency to advise the secretary and deputy secretary of Defense on policy related to transferring strategically sensitive technology. **Staff Contact: Nancy Lifset, x5-2011**

**Mr. Weldon (PA)** will offer an amendment, debatable for 20 minutes, to require the Department of Defense to annually report to Congress an assessment of the cumulative impact of individual export licenses granted by the United States to countries of concern—i.e., those listed as terrorist nations by the State Department or listed as Computer Tier 3 “export restricted.” The annual report must assess the impact of exports on improving conventional and strategic military capabilities of countries of concern, how those capabilities will harm U.S. military capabilities, and U.S. countermeasures required to address advances resulting from exports. **Staff Contact: Nancy Lifset, x5-2011**

**Mr. Dicks** will offer an amendment, debatable for 20 minutes, to require the Secretary of Defense to ensure that security personnel on overseas satellite launch campaigns follow International Trafficking in Arms Regulations (ITAR) and that such personnel undergo background investigations at least as comprehensive as those required for a security clearance. **Staff Contact: Andrew Hunter, x5-5916**

**Mr. DeLay** will offer an amendment, debatable for 60 minutes, to prohibit military-to-military exchanges that involve the U.S. Armed Forces’ training of the People’s Liberation Army (PLA) of China, including force projection operations, logistics, nuclear, chemical or biological operations, intelligence activities, and war-fighting exercises. The amendment does not prohibit any exchanges with regard to search and rescue or humanitarian exercises, but does require the Defense Secretary to certify each year that all military-to-military contacts with the PLA have complied with the law, and to submit an annual report on all such contacts or exchanges. **Contact: x5-0197**

**Mr. Gilman and Mr. Goss** will offer an amendment, debatable for 20 minutes, to (1) prohibit the use of any DOD funds to maintain a permanent U.S. presence in Haiti beyond December 31, 1999; (2) allow the use of funds for “periodic, noncontinuous” troop deployments after that time; (3) require the president to report to Congress when deploying troops under these circumstances; and (4) allow the use of funds for a limited, customary presence necessary to ensure the safety of U.S. diplomatic facilities and to carry out

defense liaison activities under the auspices of the U.S. embassy. The amendment does not prohibit the president from responding to emergency situations to protect American lives and property. **Contact: x5-5021**

**Mrs. Sanchez** will offer an amendment, debatable for 30 minutes, to repeal a provision of law enacted in the FY 1996 Defense Authorization bill which bars women serving in the military overseas from using their personal funds to obtain abortions in U.S. military hospitals. Under current law, no DOD funds or facilities may be used to perform an abortion except where the life of the mother is endangered if the fetus were carried to term or, in the use of DOD facilities, when the pregnancy is the result of an act of rape or incest. The bill, however, currently includes language to authorize the use of DOD funds for abortions in cases of rape or incest. **Contact: x5-2965**

**Mr. Buyer and Mr. Abercrombie** will offer an amendment, debatable for 20 minutes, to authorize members of the uniformed services to participate in the Thrift Savings Plan now available to federal civil service employees. Service members will be eligible to deposit up to five percent of their basic pay, before taxes, each month. The amendment does not authorize government automatic or matching contributions; however, service members may directly deposit special and incentive pay into their TSP accounts up to the maximum amounts specified in the tax code. **Contact: x5-5037**

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #15, Pt. III, May 26, 1999.



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